

104TH CONGRESS
2D SESSION

H. R. 3633

To amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1996

Mr. EHRLICH introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OF-**
 2 **FERING NURSE AIDE TRAINING AND COM-**
 3 **PETENCY EVALUATION PROGRAMS IN CER-**
 4 **TAIN FACILITIES.**

5 Section 1819(f)(2) of the Social Security Act (42
 6 U.S.C. 1395i–3(f)(2)) and section 1919(f)(2) of such Act
 7 (42 U.S.C. 1396r(f)(2)) are each amended—

8 (1) in subparagraph (B)(iii), by inserting “sub-
 9 ject to subparagraph (C),” after “(iii)”; and

10 (2) by adding at the end the following new sub-
 11 paragraph:

12 “(C) WAIVER AUTHORIZED.—Clause (iii)
 13 of subparagraph (B) shall not apply to a pro-
 14 gram offered in (but not by) a nursing facility
 15 in a State if the State—

16 “(i) determines that there is no other
 17 such program offered within a reasonable
 18 distance of the facility,

19 “(ii) assures, through an oversight ef-
 20 fort, that an adequate environment exists
 21 for operating the program in the facility,
 22 and

23 “(iii) provides notice of such deter-
 24 mination and assurances to the State long-
 25 term care ombudsman.”.